

Case & Dusterhoff, LLP
9800 SW Beaverton Hillsdale Hwy., Ste. 200
Beaverton, Oregon 97005

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Texila American University, a foreign
corporation,

Plaintiff,

v.

Mohan Ramavath Naik,

Defendant.

Case No.

COMPLAINT

CLAIMS EXCEED \$50,000 – NOT
SUBJECT TO COURT ANNEXED
ARBITRATION

Filing Fee – ORS 21.160(1)(d)
Prayer Amount \$10,000,000

Plaintiff alleges as follows:

1.

Plaintiff is an institute of higher learning based in Guyana, South America, with
locations around the world, including India, United Arab Emirates, and the United States.

2.

Defendant Mohan Ramavath Naik is an individual who on information and belief
resides at 11772 SE Fuller Road, Portland, Oregon 97222.

PLAINTIFF'S FIRST CLAIM FOR RELIEF

(Libel Per Se)

3.

Plaintiff realleges paragraphs 1 through 2 and further alleges as follows:

///

1
2 4.

3 In October 2016 Defendant sent an email to a listserve of several dozen new students
4 that were going to attend Plaintiff's university. Defendant used the email address
5 mohan8us@gmail.com to post statements he knew were not true at the time he made them,
6 and with the intent to cause Plaintiff economic harm and to damage Plaintiff's reputation.
7 Defendant's statement read:

8 "most [sic] of them are already paid to university and crying for refund. scammers
9 and cheaters won't give money easily back. can you give us idea or details how to get
10 MD certificate in \$2000 and how to get refund money from university is big question
11 mark?..

12 "we [sic] cannot go Coimbatore and fight with them they already have gundas and i
13 heard office totally equipped with vedio [sic] camers, [sic] bouncers and they won't
14 allow inside easily for refund discussion.

15 "They chained their website recently and they change phone number and every time
16 some new person will be student coordinator. whenever we call they said all are in
17 board meeting, they just have 2 rooms office in Coimbatore that super university for
18 MD certificate this is how fakes and scams created in India :)."

19 The term "gundas" is a Hindi word for "criminal." No part of the statement was true.

20 5.

21 Defendant continued sending emails to Plaintiff's students making false statements
22 accusing Plaintiff of stealing tuition money, not being a real university, being nothing more
23 than a scam, and having a fake website. His false statements included, but was not limited to:

- 24 a. Providing false information and Harming the reputation of Texila
25 American University by mentioning: "Now we are getting lot of news

1 from your Tamil Thumb's and everyone knows publicly you and your
2 University is Fake and Illegally operating.

3 b. Providing false information and harming the reputation of Texila

4 American University by mentioning: "The complete business running in
5 India and there is no single transaction and there no taxes paying In India.
6 This is completely illegal"

7 c. Providing false and threatening information and harming the reputation of
8 Texila American University by mentioning: "The arrest warrant issued on
9 you and your management still you showing all students your university is
10 legal and genuine: act in movies your get good award. "

11 d. Providing false, propagating and misguiding information and harming the
12 reputation of Texila American University by mentioning: " There is no
13 value in fake certificates. Students in CC enjoying emails, students have
14 very good options they can take, students can take Texila Certificates from
15 their seniors and they can do color printouts with Bond papers they can
16 have their Own MD certificate. They no need to wait for 3 years and
17 salute. They can start asking refund they can be free birds and they can do
18 their practice.

19 e. Providing false, threatening information and harming the reputation of
20 Texila American University by mentioning: " I am not looking further
21 action, if I take nest action you and your management will see daily
22 episode in TVs and newspapers. I am not contacted yet to right govt
23 authorities, once they start their process: Once they issue notices to all
24 private hospitals (Probably MCI doing this) wherever you are doing your
25 business (especially MD students), once private hospitals receive notice

1 the next day they will stop allowing Texila students in hospitals, whoever
2 in CC all students will stand in front of your Coimbatore office. You can
3 decide: you want to refund and simply run your fake business or you want
4 me to take next steps.

5 6.

6 Defendant's intent in making the false statements was to cause harm, and to induce
7 Plaintiff to refund Defendant's wife's tuition following her withdrawal from Plaintiff's
8 university.

9 7.

10 Defendant continued making statements by falsely claiming he was contacted by
11 other students who essentially confirmed Defendant's assertions. He included

12 8.

13 Defendants knowingly false statements have caused actual harm to Plaintiff's
14 professional reputation in an amount to be proven at trial, but not more than \$10,000,000.
15 Plaintiff is entitled to recover its damages from Defendant resulting from the harm to its
16 reputation, lost tuition due to students withdrawing or deciding not to attend because of
17 Defendant's defamatory statements.

18 9.

19 Plaintiff, acting by and through legal counsel, demanded Defendant cease and desist
20 making further defamatory statements and to publish retractions of those statements.
21 Defendant would only agree to stop making defamatory statements, but refused to retract
22 them.

23 ///

24 ///

25 ///

1 **PLAINTIFF'S SECOND CLAIM FOR RELIEF**

2 (Intentional Interference with Business Relations)

3 10.

4 Plaintiff realleges paragraphs 1 through 2, and 6 through 11, and further alleges an
5 alternative claim to Plaintiff's First Claim for Relief:

6 11.

7 Plaintiff has professional and business relationships with its students. In exchange for
8 payment of tuition and completion of class requirements, Plaintiff provides students with
9 certifications and professional degrees.

10 12.

11 Defendant's defamatory statements were made with the intent to interfere and
12 terminate Plaintiff's professional and business relationship with its students. Defendant knew
13 his statements were not true, and deliberately published those false statements to as many
14 new and existing students as possible to cause the maximum amount of harm possible to
15 Plaintiff.

16 13.

17 Defendant's actions were done with malice and without any legal justification.

18 14.

19 Plaintiff has been economically harmed by Defendant's false statements in an amount
20 to be proven at trial, but not more than \$10,000,000. Plaintiff is entitled to recover its
21 damages from Defendant resulting from the harm to its reputation, lost tuition due to students
22 withdrawing or deciding not to attend because of Defendant's defamatory statements.

23 ///

24 ///

25 ///

Case & Dusterhoff, LLP
9800 SW Beaverton Hillsdale Hwy., Ste. 200
Beaverton, Oregon 97005

1 WHEREFORE, Plaintiffs pray for judgment in their favor as follows:

2 a. Economic damages in the sum of no more than \$10,000,000, plus interest of
3 9% per annum from April 18, 2017 until paid in full;

4 b. An award of Plaintiffs' costs, and disbursements incurred herein; and;

5 c. Any further relief as the court may deem just and equitable.

6 DATED this 11th day of May, 2017.

7
8 s/ Steven C. Burke
9 Steven C. Burke, OSB#002198
10 Of Attorneys for Plaintiff
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25